

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1426

Introduced by Assembly Member Cooper

February 27, 2015

An act to amend ~~Sections 8483 and 8483.7~~ *Section 8483 of, and to amend, repeal, and add Sections 8483.7 and 8483.76 of, and to add Section 8483.71 to, the Education Code, relating to after school programs, programs, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1426, as amended, Cooper. After school programs.

The After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act requires every after school component of a program to operate a minimum of 15 hours per week and at least until 6 p.m. on every regular schoolday. The act requires the Superintendent of Public Instruction to determine the total annual after school grant amount for which a site is eligible based on a formula of \$7.50 per pupil per day

of pupil attendance that the program plans to serve, with a minimum total grant of \$37.50 per projected pupil per week, and a formula of \$7.50 per projected pupil per day of staff development, with a maximum of 3 staff development days per year.

This bill would no longer require after school components of a program to operate at least until 6 p.m. on regular schooldays. The bill ~~would~~ *would, commencing July 1, 2017, increase the per pupil and per projected pupil rates discussed above, as specified, and would require the State Department of Education to report to the Legislature, on progress in implementing these rate changes, commencing on or before April 1, 2017, and every 6 months thereafter, unless or until the rate changes are fully implemented for all grantees, to \$8.50, with a minimum total grant of \$42.50 per projected pupil per week.*

The act requires that, if an existing after school summer grantee operates a 6-hour per day program, the target attendance level for grant reductions be computed as if the grant award were based upon the lesser of \$15 per day of pupil attendance or 30% of the total grant awarded to the school per school year.

The bill would, commencing July 1, 2017, increase the per day of pupil attendance rate to \$17 per day.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8483 of the Education Code is amended
2 to read:
3 8483. (a) (1) Every after school component of a program
4 established pursuant to this article shall commence immediately
5 upon the conclusion of the regular schoolday, and operate on every
6 regular schoolday for a minimum of 15 hours per week. Every
7 after school component of the program shall establish a policy
8 regarding reasonable early daily release of pupils from the program.
9 For those programs or schoolsites operating in a community where
10 the early release policy does not meet the unique needs of that
11 community or school, or both, documented evidence may be
12 submitted to the department for an exception and a request for
13 approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of nine hours a week and three days a week to accomplish program goals.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a program established pursuant to this article have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7.

SEC. 2. Section 8483.7 of the Education Code is amended to read:

8483.7. (a) (1) (A) Each school that establishes a program pursuant to this article is eligible to receive a three-year after school grant, that shall be awarded in three one-year increments and is subject to semiannual attendance reporting and requirements as described in Section 8482.3 once every three years.

(i) The department shall provide technical support for development of a program improvement plan for grantees under the following conditions:

(I) If actual pupil attendance falls below 75 percent of the target attendance level in any year of the grant.

(II) If the grantee fails, in any year of the grant, to demonstrate measurable outcomes pursuant to Section 8484.

(ii) The department shall adjust the grant level of any school within the program that is under its targeted attendance level by more than 15 percent in each of two consecutive years.

(iii) In any year after the initial grant year, if the actual attendance level of a school within the program falls below 75 percent of the target attendance level, the department shall perform a review of the program and adjust the grant level as the department deems appropriate.

(iv) The department shall create a process to allow a grantee to voluntarily lower its annual grant amount if one or more sites are

1 unable to meet the proposed pupil attendance levels by the end of
2 the second year of the grant.

3 (v) A grantee who has had its grant amount reduced may
4 subsequently request an increase in funding up to the maximum
5 grant amounts provided under this subdivision.

6 (vi) The department may terminate the grant of any site or
7 program that does not comply with fiscal reporting, attendance
8 reporting, or outcomes reporting requirements established by the
9 department and pursuant to Section 8484. The department may
10 withhold the grant allocation for a program or site if the prior grant
11 year's fiscal or attendance reporting remains outstanding, until the
12 reports have been filed with the department.

13 (vii) Notwithstanding any other provision of this subdivision
14 or any other law, after the technical assistance required under
15 clause (i) has been provided, the department may at any time
16 terminate the grant of a school in a program that fails for three
17 consecutive years to meet either of the following requirements:

18 (I) Demonstrate measurable program outcomes pursuant to
19 Section 8484.

20 (II) Attain 75 percent of its proposed attendance level after
21 having had its program reviewed and grant level adjusted by the
22 department.

23 (B) After school grants may be awarded to applicants that have
24 demonstrated readiness to begin operation of a program or to
25 expand existing programs.

26 (C) The maximum total after school grant amount awarded
27 annually pursuant to this paragraph shall be one hundred twelve
28 thousand five hundred dollars (\$112,500) for each regular school
29 year for each elementary school and one hundred fifty thousand
30 dollars (\$150,000) for each regular school year for each middle or
31 junior high school. The Superintendent shall determine the total
32 annual after school grant amount for which a site is eligible based
33 on a formula of ~~eight~~ *seven* dollars and fifty cents ~~(\$8.50)~~ *(\$7.50)*
34 per pupil per day of pupil attendance that the program plans to
35 serve, with a maximum total grant of ~~forty-two~~ *thirty-seven* dollars
36 and fifty cents ~~(\$42.50)~~ *(\$37.50)* per projected pupil per week, and
37 a formula of ~~eight~~ *seven* dollars and fifty cents ~~(\$8.50)~~ *(\$7.50)* per
38 projected pupil per day of staff development, with a maximum of
39 three staff development days per year. A program may provide

1 the three days of staff development during regular program hours
2 using funds from the total grant award.

3 (2) For large schools, the maximum total grant amounts
4 described in paragraph (1) may be increased based on the following
5 formulas, up to a maximum amount of twice the respective limits
6 specified in paragraph (1):

7 (A) For elementary schools, multiply one hundred thirteen
8 dollars (\$113) by the number of pupils enrolled at the schoolsite
9 for the normal schoolday program that exceeds 600.

10 (B) For middle schools, multiply one hundred thirteen dollars
11 (\$113) by the number of pupils enrolled at the schoolsite for the
12 normal schoolday program that exceeds 900.

13 (3) The maximum total grant amounts set forth in subparagraph
14 (C) of paragraph (1) may be increased from any funds made
15 available for this purpose in the annual Budget Act for participating
16 schools that have pupils on waiting lists for the program. Grants
17 may be increased by the lesser of an amount that is either 25
18 percent of the current maximum total grant amount or equal to the
19 proportion of pupils unserved by the program as measured by
20 documented waiting lists as of January 1 of the previous grant
21 year, compared to the actual after school enrollment on the same
22 date. The amount of the required cash or in-kind matching funds
23 shall be increased accordingly. First priority for an increased
24 maximum grant pursuant to this paragraph shall be given to schools
25 that qualify for funding pursuant to subdivision (b) of Section
26 8482.55. Second priority shall be given to schools that receive
27 funding priority pursuant to subdivision (f) of Section 8482.55.

28 (4) The minimum total after school grant amount for each
29 schoolsite that may be awarded pursuant to this section shall be
30 computed by multiplying the applicable rate per pupil per day of
31 pupil attendance by 20 pupils being served for 180 regular
32 schooldays.

33 (5) A school that establishes a program pursuant to this section
34 is eligible to receive a summer grant to operate the program in
35 excess of 180 regular schooldays or during any combination of
36 summer, intersession, or vacation periods for a maximum of the
37 lesser of the following amounts:

38 (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

1 (B) Thirty percent of the total grant amount awarded to the
2 school per school year pursuant to subparagraph (C) of paragraph
3 (1).

4 (C) Notwithstanding subparagraphs (A) and (B), the maximum
5 total summer grant that may be awarded annually pursuant to this
6 paragraph shall be thirty-three thousand seven hundred fifty dollars
7 (\$33,750) for each regular school year for each elementary school
8 and forty-five thousand dollars (\$45,000) for each regular school
9 year for each middle or junior high school.

10 (6) Additional funding may be made available for transportation
11 in programs that meet the requirements of Section 8484.65, in an
12 amount not to exceed fifteen thousand dollars (\$15,000) per site,
13 per school year, as funds are available, in accordance with the local
14 community after school program needs as determined by the
15 department. Programs shall submit to the department for
16 consideration evidence of the need for after school transportation
17 funds specific to after school programs pursuant to this article.
18 Funding under this paragraph may be used to supplement, but not
19 supplant, local transportation services.

20 (7) Each program shall provide an amount of cash or in-kind
21 local funds equal to not less than one-third of the total grant from
22 the school district, governmental agencies, community
23 organizations, or the private sector. Facilities or space usage may
24 fulfill not more than 25 percent of the required local contribution.

25 (8) (A) A grantee may allocate, with departmental approval,
26 up to 125 percent of the maximum total grant amount for an
27 individual school, so long as the maximum total grant amount for
28 all school programs administered by the program grantee is not
29 exceeded.

30 (B) A program grantee that transfers funds for purposes of
31 administering a program pursuant to subparagraph (A) shall have
32 an established waiting list for enrollment, and may transfer only
33 from another school program that has met a minimum of 70 percent
34 of its attendance goal.

35 (b) The administrator of a program established pursuant to this
36 article may supplement, but not supplant, existing funding for after
37 school programs with grant funds awarded pursuant to this article.
38 State categorical funds for remedial education activities shall not
39 be used to make the required contribution of local funds for those
40 after school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be used for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

(d) For each year of the grant, the department shall award the total grant amount for that year not later than 30 days after the date the grantee accepts the grant.

(e) The department may adjust the amount of a direct grant, awarded to a new applicant pursuant to this section, on the basis of the program start date, as determined by the department.

(f) *This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 3. *Section 8483.7 is added to the Education Code, to read:*

8483.7. (a) (1) (A) *Each school that establishes a program pursuant to this article is eligible to receive a three-year after school grant, that shall be awarded in three one-year increments and is subject to semiannual attendance reporting and requirements as described in Section 8482.3 once every three years.*

(i) *The department shall provide technical support for development of a program improvement plan for grantees under the following conditions:*

(I) *If actual pupil attendance falls below 75 percent of the target attendance level in any year of the grant.*

(II) *If the grantee fails, in any year of the grant, to demonstrate measurable outcomes pursuant to Section 8484.*

(ii) *The department shall adjust the grant level of any school within the program that is under its targeted attendance level by more than 15 percent in each of two consecutive years.*

(iii) *In any year after the initial grant year, if the actual attendance level of a school within the program falls below 75 percent of the target attendance level, the department shall perform a review of the program and adjust the grant level as the department deems appropriate.*

(iv) *The department shall create a process to allow a grantee to voluntarily lower its annual grant amount if one or more sites*

1 are unable to meet the proposed pupil attendance levels by the
2 end of the second year of the grant.

3 (v) A grantee who has had its grant amount reduced may
4 subsequently request an increase in funding up to the maximum
5 grant amounts provided under this subdivision.

6 (vi) The department may terminate the grant of any site or
7 program that does not comply with fiscal reporting, attendance
8 reporting, or outcomes reporting requirements established by the
9 department and pursuant to Section 8484. The department may
10 withhold the grant allocation for a program or site if the prior
11 grant year's fiscal or attendance reporting remains outstanding,
12 until the reports have been filed with the department.

13 (vii) Notwithstanding any other provision of this subdivision or
14 any other law, after the technical assistance required under clause
15 (i) has been provided, the department may at any time terminate
16 the grant of a school in a program that fails for three consecutive
17 years to meet either of the following requirements:

18 (I) Demonstrate measurable program outcomes pursuant to
19 Section 8484.

20 (II) Attain 75 percent of its proposed attendance level after
21 having had its program reviewed and grant level adjusted by the
22 department.

23 (B) After school grants may be awarded to applicants that have
24 demonstrated readiness to begin operation of a program or to
25 expand existing programs.

26 (C) The maximum total after school grant amount awarded
27 annually pursuant to this paragraph shall be one hundred twelve
28 thousand five hundred dollars (\$112,500) for each regular school
29 year for each elementary school and one hundred fifty thousand
30 dollars (\$150,000) for each regular school year for each middle
31 or junior high school. The Superintendent shall determine the total
32 annual after school grant amount for which a site is eligible based
33 on a formula of eight dollars and fifty cents (\$8.50) per pupil per
34 day of pupil attendance that the program plans to serve, with a
35 maximum total grant of forty-two dollars and fifty cents (\$42.50)
36 per projected pupil per week, and a formula of eight dollars and
37 fifty cents (\$8.50) per projected pupil per day of staff development,
38 with a maximum of three staff development days per year. A
39 program may provide the three days of staff development during
40 regular program hours using funds from the total grant award.

1 (2) For large schools, the maximum total grant amounts
2 described in paragraph (1) may be increased based on the
3 following formulas, up to a maximum amount of twice the
4 respective limits specified in paragraph (1):

5 (A) For elementary schools, multiply one hundred thirteen
6 dollars (\$113) by the number of pupils enrolled at the schoolsite
7 for the normal schoolday program that exceeds 600.

8 (B) For middle schools, multiply one hundred thirteen dollars
9 (\$113) by the number of pupils enrolled at the schoolsite for the
10 normal schoolday program that exceeds 900.

11 (3) The maximum total grant amounts set forth in subparagraph
12 (C) of paragraph (1) may be increased from any funds made
13 available for this purpose in the annual Budget Act for
14 participating schools that have pupils on waiting lists for the
15 program. Grants may be increased by the lesser of an amount that
16 is either 25 percent of the current maximum total grant amount
17 or equal to the proportion of pupils unserved by the program as
18 measured by documented waiting lists as of January 1 of the
19 previous grant year, compared to the actual after school enrollment
20 on the same date. The amount of the required cash or in-kind
21 matching funds shall be increased accordingly. First priority for
22 an increased maximum grant pursuant to this paragraph shall be
23 given to schools that qualify for funding pursuant to subdivision
24 (b) of Section 8482.55. Second priority shall be given to schools
25 that receive funding priority pursuant to subdivision (f) of Section
26 8482.55.

27 (4) The minimum total after school grant amount for each
28 schoolsites that may be awarded pursuant to this section shall be
29 computed by multiplying the applicable rate per pupil per day of
30 pupil attendance by 20 pupils being served for 180 regular
31 schooldays.

32 (5) A school that establishes a program pursuant to this section
33 is eligible to receive a summer grant to operate the program in
34 excess of 180 regular schooldays or during any combination of
35 summer, intersession, or vacation periods for a maximum of the
36 lesser of the following amounts:

37 (A) Eight dollars and fifty cents (\$8.50) per day per pupil.

38 (B) Thirty percent of the total grant amount awarded to the
39 school per school year pursuant to subparagraph (C) of paragraph
40 (1).

1 (C) Notwithstanding subparagraphs (A) and (B), the maximum
2 total summer grant that may be awarded annually pursuant to this
3 paragraph shall be thirty-three thousand seven hundred fifty
4 dollars (\$33,750) for each regular school year for each elementary
5 school and forty-five thousand dollars (\$45,000) for each regular
6 school year for each middle or junior high school.

7 (6) Additional funding may be made available for transportation
8 in programs that meet the requirements of Section 8484.65, in an
9 amount not to exceed fifteen thousand dollars (\$15,000) per site,
10 per school year, as funds are available, in accordance with the
11 local community after school program needs as determined by the
12 department. Programs shall submit to the department for
13 consideration evidence of the need for after school transportation
14 funds specific to after school programs pursuant to this article.
15 Funding under this paragraph may be used to supplement, but not
16 supplant, local transportation services.

17 (7) Each program shall provide an amount of cash or in-kind
18 local funds equal to not less than one-third of the total grant from
19 the school district, governmental agencies, community
20 organizations, or the private sector. Facilities or space usage may
21 fulfill not more than 25 percent of the required local contribution.

22 (8) (A) A grantee may allocate, with departmental approval,
23 up to 125 percent of the maximum total grant amount for an
24 individual school, so long as the maximum total grant amount for
25 all school programs administered by the program grantee is not
26 exceeded.

27 (B) A program grantee that transfers funds for purposes of
28 administering a program pursuant to subparagraph (A) shall have
29 an established waiting list for enrollment, and may transfer only
30 from another school program that has met a minimum of 70 percent
31 of its attendance goal.

32 (b) The administrator of a program established pursuant to this
33 article may supplement, but not supplant, existing funding for after
34 school programs with grant funds awarded pursuant to this article.
35 State categorical funds for remedial education activities shall not
36 be used to make the required contribution of local funds for those
37 after school programs.

38 (c) Up to 15 percent of the initial year's grant amount for each
39 grant recipient may be used for startup costs. Under no
40 circumstance shall funding for startup costs result in an increase

1 *in the grant recipient's total funding above the approved grant*
2 *amount.*

3 *(d) For each year of the grant, the department shall award the*
4 *total grant amount for that year not later than 30 days after the*
5 *date the grantee accepts the grant.*

6 *(e) The department may adjust the amount of a direct grant,*
7 *awarded to a new applicant pursuant to this section, on the basis*
8 *of the program start date, as determined by the department.*

9 *(f) This section shall become operative on July 1, 2017.*

10 ~~SEC. 3. Section 8483.71 is added to the Education Code, to~~
11 ~~read:~~

12 ~~8483.71. Commencing on or before April 1, 2017, and every~~
13 ~~six months thereafter, the department shall provide a progress~~
14 ~~report to the Legislature, in compliance with Section 9795 of the~~
15 ~~Government Code, regarding the implementation of each rate~~
16 ~~change made to subparagraph (C) of paragraph (1) of subdivision~~
17 ~~(a) of Section 8483.7, by the act that added this section, unless or~~
18 ~~until the rate changes are fully implemented for all grantees.~~

19 ~~SEC. 4. Section 8483.76 of the Education Code is amended to~~
20 ~~read:~~

21 ~~8483.76. (a) A school that establishes a program pursuant to~~
22 ~~Section 8483.7 or 8483.75 is eligible to receive a summer grant~~
23 ~~to operate the program in excess of 180 regular schooldays or~~
24 ~~during any combination of summer, weekends, intersession, or~~
25 ~~vacation periods for a maximum of either 30 percent of the total~~
26 ~~grant amount awarded, per school year, to the school, or thirty-three~~
27 ~~thousand seven hundred fifty dollars (\$33,750) for each regular~~
28 ~~school year for each elementary school and forty-five thousand~~
29 ~~dollars (\$45,000) for each regular school year for each middle or~~
30 ~~junior high school.~~

31 ~~(b) An existing after school summer grantee may operate a~~
32 ~~three-hour or a six-hour per day program. If the grantee operates~~
33 ~~a six-hour per day program, the target attendance level for the~~
34 ~~purpose of grant reductions pursuant to subparagraph (A) of~~
35 ~~paragraph (1) of subdivision (a) of Section 8483.7 shall be~~
36 ~~computed as if the grant award were based upon the lesser of fifteen~~
37 ~~dollars (\$15) per day of pupil attendance or 30 percent of the total~~
38 ~~grant awarded to the school per school year.~~

39 ~~(c) A summer grantee that operates a program pursuant to this~~
40 ~~section may change the location of the program to address the~~

1 needs of pupils and school closures. The program may be
2 conducted at an offsite location or at an alternate schoolsite. The
3 summer grantee shall give notice to the department of the change
4 of location and shall include a plan to provide safe transportation
5 pursuant to Section 8484.6.

6 (d) A summer grantee that operates a program pursuant to this
7 section may open eligibility to every pupil attending a school in
8 the school district. Priority for enrollment shall be given to the
9 pupils enrolled in the school that receives the grant.

10 (e) A summer grantee operating a six-hour per day program
11 shall provide for each needy pupil at least one nutritionally
12 adequate free or reduced-price meal during each program day.

13 (f) A summer grantee that operates a six-hour per day program
14 is required to submit, for prior approval by the department, a
15 revised program plan that includes all of the following:

16 (1) A plan for provision of the free or reduced-price meal
17 required by subdivision (e).

18 (2) An attendance and early release policy for the program that
19 is consistent with the local educational agency's early release
20 policy for the regular schoolday.

21 (g) *This section shall become inoperative on July 1, 2017, and,*
22 *as of January 1, 2018, is repealed, unless a later enacted statute*
23 *that becomes operative on or before January 1, 2018, deletes or*
24 *extends the dates on which it becomes inoperative and is repealed.*

25 SEC. 5. Section 8483.76 is added to the Education Code, to
26 read:

27 8483.76. (a) *A school that establishes a program pursuant to*
28 *Section 8483.7 or 8483.75 is eligible to receive a summer grant*
29 *to operate the program in excess of 180 regular schooldays or*
30 *during any combination of summer, weekends, intersession, or*
31 *vacation periods for a maximum of either 30 percent of the total*
32 *grant amount awarded, per school year, to the school, or*
33 *thirty-three thousand seven hundred fifty dollars (\$33,750) for*
34 *each regular school year for each elementary school and forty-five*
35 *thousand dollars (\$45,000) for each regular school year for each*
36 *middle or junior high school.*

37 (b) *An existing after school summer grantee may operate a*
38 *three-hour or a six-hour per day program. If the grantee operates*
39 *a six-hour per day program, the target attendance level for the*
40 *purpose of grant reductions pursuant to subparagraph (A) of*

1 paragraph (1) of subdivision (a) of Section 8483.7 shall be
2 computed as if the grant award were based upon the lesser of
3 seventeen dollars (\$17) per day of pupil attendance or 30 percent
4 of the total grant awarded to the school per school year.

5 (c) A summer grantee that operates a program pursuant to this
6 section may change the location of the program to address the
7 needs of pupils and school closures. The program may be
8 conducted at an offsite location or at an alternate schoolsite. The
9 summer grantee shall give notice to the department of the change
10 of location and shall include a plan to provide safe transportation
11 pursuant to Section 8484.6.

12 (d) A summer grantee that operates a program pursuant to this
13 section may open eligibility to every pupil attending a school in
14 the school district. Priority for enrollment shall be given to the
15 pupils enrolled in the school that receives the grant.

16 (e) A summer grantee operating a six-hour per day program
17 shall provide for each needy pupil at least one nutritionally
18 adequate free or reduced-price meal during each program day.

19 (f) A summer grantee that operates a six-hour per day program
20 is required to submit, for prior approval by the department, a
21 revised program plan that includes all of the following:

22 (1) A plan for provision of the free or reduced-price meal
23 required by subdivision (e).

24 (2) An attendance and early release policy for the program that
25 is consistent with the local educational agency's early release
26 policy for the regular schoolday.

27 (g) This section shall become operative on July 1, 2017.

28 SEC. 6. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the Constitution and shall go into
31 immediate effect. The facts constituting the necessity are:

32 In order to minimize the deleterious impact of the current deficit
33 in the After School Education and Safety Program, established in
34 Article 22.5 (commencing with Section 8482) of Chapter 2 of Part
35 6 of Division 1 of Title 1 of the Education Code, it is necessary
36 that this act take effect immediately.